

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Jeffrey Todd Cook,)	Civil Action No.: 9:15-cv-02666-JMC
)	
Plaintiff,)	
)	
v.)	
)	ORDER
Columbia Regional Care Center)	
Hospital, Roger Smith, Adam Crewell,)	
Brian Davidson and K. Davis,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report"), [ECF No. 55], filed on August 1, 2016, recommending that Defendants' Motion for Summary Judgment [ECF No. 38] be granted, and that this case be dismissed, without prejudice, for failure of Plaintiff to exhaust his administrative remedies. Plaintiff brought this action, pro se, seeking relief pursuant to 42 U.S.C. § 1983. The Report sets forth in detail the relevant facts and legal standards on this matter, which the court incorporates herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § U.S.C.(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. "The court is not bound by the recommendation of the Magistrate Judge, but, instead, retains responsibility for the final determination." *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (1976)). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report [ECF No. 55 at 2]. However, Plaintiff filed no objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*. 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the Magistrate Judge's Report and Recommendation, and the record in this case, the court finds the Magistrate Judge's Report provides an accurate summary of the facts and law and the record in this case. The court **ACCEPTS** the Report and Recommendation [ECF No. 55]. For the reasons articulated by the Magistrate Judge, it is therefore **ORDERED** that Defendants' Motion for Summary Judgment [ECF No. 38] be **GRANTED**, and this case be dismissed, without prejudice, for failure of Plaintiff to exhaust his administrative remedies.

IT IS SO ORDERED.



United States District Judge

August 25, 2016
Columbia, South Carolina